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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,402	08/08/2003	Michael N. Rosenheimer	5858-00700	3180
35617	7590	03/25/2005		
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER SCHINDLER, DAVID M	
			ART UNIT 2862	PAPER NUMBER

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

08 EYL

<b>Office Action Summary</b>	<b>Application No.</b> 10/637,402	<b>Applicant(s)</b> ROSENHEIMER ET AL.	
	<b>Examiner</b> David Schindler	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/08/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "43" has been used to designate both a microcontroller and a housing in Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference Number 6 in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

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"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because 1) the boxes should be labeled and identified, and 2) it is difficult to make out the structure of Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:

It appears from the description on pages 14 and 15 that the term "Fig. 2" on line 18 of page 14 should be changed to "Fig. 3" and the term "Fig. 3" on lines 12-13 of page 15 should be changed to "Fig. 2."

The specification should not refer to the claims as on page 5, line 6 as claim numbers can change.

It appears that the description for Figures 2 and 3 in the General representation of the drawings section on page 13 should be interchanged.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Appropriate correction is required.

***Claim Objections***

5. Claims 1, and 3-7 are objected to because of the following informalities:

As to Claims 1, 3, 4, and 7,

Claims should not contain drawing reference numbers.

As to Claims 1, 3, 4, and 5,

The term "optionally" on line 5 of Claim 1, line 3 of Claim 3, line 4 of Claim 4, and line 5 of Claim 5 renders these claims indefinite as it is unclear whether the claimed subject matter following this term is required subject matter.

As to Claims 1 and 3,

The term "signalling" on line 5 of Claim 1 and lines 3 and 4 of Claim 3 is misspelled and it is recommended to change this term to "signaling."

As to Claim 1.

The term "the signals" on lines 3 and 7 lacks antecedent basis.

The term "the integral" on lines 5-6 lacks antecedent basis.

The term "the derivation" on line 6 lacks antecedent basis.

As to Claim 3.

The term "the measured values" on line 4 lacks antecedent basis.

As to Claim 4.

The term "the signals" on lines 4-5 lacks antecedent basis.

The phrase "at least one additional limit discriminator" on line 3 is unclear as no previous claim discloses a limit discriminator.

As to Claim 5.

The term "the magnitude" on line 5 lacks antecedent basis.

The phrase "the orientation of the field vector" on lines 5-6 lacks antecedent basis.

The term "the signals" on line 6 lacks antecedent basis.

The term "preferably" on line 3 is indefinite since it is not positively recited.

As to Claim 6.

The phrase "an interface for linking an external computer" on line 4 is unclear and it is recommended to change this phrase to "an interface for linking the device to an external computer."

Regarding claim 6, the phrase "such as" on line 4 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

As to Claim 7,

The term "preferably" on line 6 renders this claim indefinite as it is unclear whether the claimed subject matter following this term is required subject matter.

The term "the signals" on line 3 lacks antecedent basis.

Appropriate correction is required.

6. Claims 4, 5, and 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). For the purposes of examination, Examiner has assumed that Claims 4, 5, and 6 are dependent on Claim 1 and will therefore be examined.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Novini (5,256,960).

As to Claim 1,

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Novini discloses at least one memory (Column 12, Lines 37-42) and at least one signaling unit (alarm / (Column 12, Lines 37-42)) is associated with the analyzer unit (measurement circuit in Figure 12 not including: 1) sense coil (170), 2) display (192), 3) remote (194), and alarm (196)) and that the analyzer unit is designed that it forms, from the signals of the magnetic field sensor (isotropic sensor (170)), at least the integral as a function of time and stores these values in an associated memory or passes them on to a signaling unit ((Column 12, Lines 37-42) and (Figure 12)).

As to Claim 2,

Novini discloses the magnetic field sensor and the analyzer unit are integrated together in a common housing ((Column 12, Lines 27-32) and (Column 11, Lines 35-37) and (Column 7, Lines 26-27) and (Column 7, Lines 12-14) and (Figure 6)).

As to Claim 3,

Novini discloses at least one acoustical signaling means (alarm (196)) is provided for signaling that a limit has been exceeded (Column 12, Lines 31-43), which signaling means is controlled by the analyzer unit ((Column 12, Lines 31-43) and (Figure 12)).

As to Claim 4,

Novini discloses at least one additional limit discriminator is provided in the analyser unit, which compares several values computed from the signals of the magnetic field sensor against at least one predetermined limit and signals the entry of the value to the memory when this limit has been exceeded (Column 12, Lines 36-43).

As to Claim 5,



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Novini discloses the magnetic field sensor is designed as a three-dimensional field sensor (170) and that the analyzer unit is so designed that it computes at least the magnitude and the orientation of the field vector from the signals of the magnetic field sensor (Column 11, Lines 23-34).

As to Claim 6,

Novini discloses additional means are provided for communication, such as an interface for linking an external computer (Column 11, Lines 32-34).

As to Claim 7,

Novini discloses the magnetic field sensor and the analyzer unit are jointly accommodated in a small housing that is suitable for being fastened on a piece of clothing ((Column 12, Lines 21-32) and (Column 11, Lines 35-37) and (Column 7, Lines 26-27) and (Column 7, Lines 12-14) and (Figure 6)).

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Schindler



JAY PATIDAR  
PRIMARY EXAMINER